

# PETITION FOR SPECIAL HEARING 84-354-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee  
Contract Purchase:  
Dr. Larry E. LaBorwit  
(Type or Print Name)  
Signature  
1002 Ingleside Avenue  
Address  
Baltimore, Maryland 21228  
City and State  
Attorney for Petitioner:  
Leonard J. Grossman  
(Type or Print Name)  
Signature  
111 N. Charles Street, 7th Fl.  
Address  
Baltimore, Maryland 21201  
City and State  
Attorney's Telephone No.: 752-3666

Legal Owner(s):  
Fairfax Savings Association, Inc.  
(Type or Print Name)  
Signature  
Malcolm Berman, President  
(Type or Print Name)  
Signature  
17 Light Street  
Address  
Baltimore, Maryland 21202  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Leonard J. Grossman  
Name  
111 N. Charles St. 7th Fl. 752-3666  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of May, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of June, 1984, at 10:15 o'clock A.M.

Carl J. Jell  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

## BALTIMORE COUNTY

### ZONING PLANS

### ADVISORY COMMITTEE



### PETITION AND SITE PLAN

### EVALUATION COMMENTS

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition Nos. 84-346-A, 84-349-A, 84-350-A, 84-351-A, 84-352-A,  
84-353-A, 84-354-SPH, 84-357-A, 84-358-A, 84-359-A, 84-361-A and 84-364-SPH.  
SUBJECT: 84-354-SPH

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/JGH/sf

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 12, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Leonard J. Grossman, Esquire  
111 North Charles Street  
7th Floor  
Baltimore, Maryland 21201

Case No. 84-354-SPH (Item No. 303)  
Fairfax Savings Association, Inc.  
Special Hearing Petition

Dear Mr. Grossman:

Enclosed please find additional comments submitted after my original comments of June 8, 1984.

Very truly yours,

Nicholas B. Commodari  
Nicholas P. Commodari  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc:

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

June 8, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #303 (1983-1984)  
Property Owner: Fairfax Savings Assoc., Inc.  
S/E cor. Security Blvd. and Whitehead Ct.  
Acre: No Flat District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the subject item.

#### General:

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to this Item 303 (1983-1984) for which no plan was supplied.

Very truly yours,

Robert S. Benson, P.E., Asst. Chief  
Bureau of Public Services

GSB:EAM:FWR:ss  
L-SE Key Sheet  
6 NW 24 Pos. Sheet  
NW 2 F Topo  
95 Tax Map

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Leonard J. Grossman, Esquire  
111 N. Charles Street  
7th Floor  
Baltimore, Maryland 21201

Re: Case No. 84-354-SPH (Item No. 303)  
Petitioner - Fairfax Savings Assoc., Inc.  
Special Hearing Petition

Dear Mr. Grossman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In order to determine whether an optometrist office, which includes the sale of glasses, is permitted in an M.L. zone, this hearing is required.

At the time of this writing, the only comment that had been submitted from this Committee was from the Fire Department. Since his comment was a "no comment", it was placed in the file and not forwarded to you.

Very truly yours,

Nicholas B. Commodari  
Chairman  
Zoning Plans Advisory Committee

NBC:cmh

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211  
NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 5/15/84  
Item # 303  
Property Owner: Fairfax Savings Assoc., Inc.  
Location: S/E cor. Security Blvd. and Whitehead Ct.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-96 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

Ernest A. Bober  
Chief, Current Planning and Development

cc: James Howell







RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
SE Corner Security Blvd. & :  
Whitehead Ct. (6669 Security : OF BALTIMORE COUNTY  
Blvd.), 1st District :  
FAIRFAX SAVINGS ASSOCIATION, : Case No. 84-354-SPH  
INC., Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 6th day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Leonard J. Grossman, Esquire, 111 N. Charles St., 7th Floor, Baltimore, MD 21201, Attorney for Petitioner; and Dr. Larry E. LaBorwit, 1002 Ingleside Ave., Baltimore, MD 21228, Contract Lessee.

*Peter Max Zimmerman*  
Peter Max Zimmerman

DESCRIPTION  
Southeast corner of Security Blvd. and Whitehead Ct. Also known as 6669 Security Boulevard.

PETITION FOR SPECIAL HEARING  
1st Election District

ZONING: Petition for Special Hearing

LOCATION: Southeast corner Security Boulevard and Whitehead Court (6669 Security Boulevard)

DATE & TIME: Wednesday, June 20, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an optometrist as an office use

Being the property of Fairfax Savings Association, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

of glasses. The square footage devoted to wall display shall be calculated by wall linear footage times three feet.

2. The area required for the dispensing of and payment of glasses shall not be included in the 25% as long as the optometrist's fee charged includes the cost of examination and prescription.

3. The on-site optometrist shall perform the eye examination and lens prescriptions for all glasses sold on the site.

*Arnold Jablon*  
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE July 14, 1984  
BY *May Longenecker*  
ADMINISTRATIVE ASSISTANT

RE: PETITION FOR SPECIAL HEARING : BEFORE THE  
SE/Corner of Security Boulevard and : DEPUTY ZONING COMMISSIONER  
Whitehead Court (6669 Security Boulevard) - 1st Election District :  
Fairfax Savings Association, Inc. - : OF  
Petitioner : BALTIMORE COUNTY  
No. 84-354-SPH (Item No. 303) :

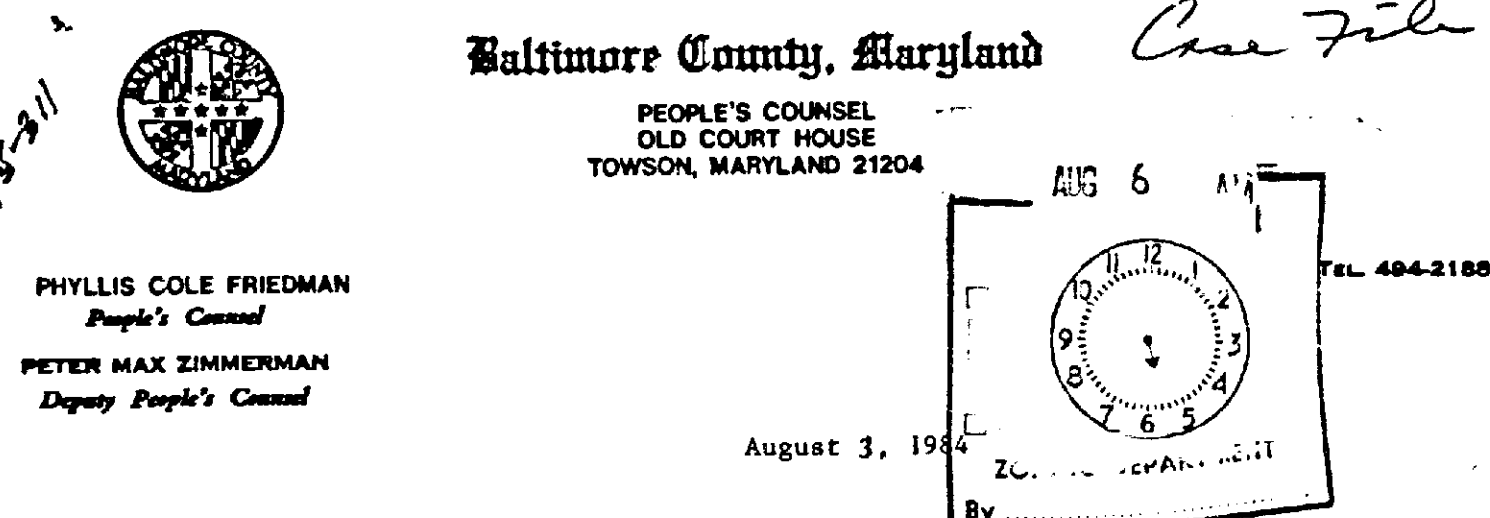
Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. The petitioner herein seeks a determination as to whether an optometrist office, which includes the sale of glasses, is considered an office use. The proposed location is at the southeast corner of Security Boulevard and Whitehead Court in an M.L. Zone.
2. Testimony presented by the petitioner indicated that he intends to provide the full services of an optometrist, i.e., to exam eyes, detect eye disease, and prescribe, fill, fit, and sell lenses, including glasses, as licensed by the State of Maryland. The selling of glasses and contact lenses is incidental to the primary function of an optometrist, i.e., the eye examination and the filling of prescriptions.
3. There were no protestants appearing in opposition to the petition.
4. In the instant case, to approve an optometrist office as an office use, which includes the sale of glasses, would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of July, 1984, that, in the instant case, an optometrist office, which is located in an M.L. Zone and includes the sale of glasses, is permitted as an office use, and, as such, the Petition for Special Hearing is GRANTED, from and after the date of this Order, subject, however, to the following:

1. No more than 25% of the square footage of the office shall be devoted to the display, selection, and fitting



Mr. James E. Dyer  
Zoning Supervisor  
County Office Building  
Towson, MD 21204

RE: Fairfax Savings Assn., Inc.,  
Petitioner - Zoning Case No.  
84-354-SPH (Item 303)

Dear Mr. Dyer:

Please note that this office is not filing an appeal in the above-entitled case. We are satisfied that the proposal is essentially an office, and not a commercial use.

Leonard J. Grossman, Esquire, Petitioner's Attorney, has kindly forwarded to us a copy of the proposed plan for the office, and we ask that it be included, along with the cover letter dated August 1, 1984, in the Commissioner's file.

We do not consider this case a precedent for approval in the future of any commercial operations.

Very truly yours,

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel

Enclosures

cc: Arnold Jablon, Esquire  
Jean M. H. Jung  
Leonard J. Grossman, Esquire

PMZ:sh

LAW OFFICES OF  
GOODMAN, MEAGHER & ENOCH  
ATTORNEYS AND COUNSELLORS-AT-LAW  
111 N. CHARLES STREET-7TH FLOOR  
BALTIMORE, MD. 21201  
TELEPHONE (301) 752-3666

PHILIP H. GOODMAN  
(1915-1978)  
FRANCIS J. MEAGHER  
JOHN T. ENOCH  
BERNARD J. SACHS  
RICHARD KUPFER  
LEONARD J. GROSSMAN  
DANIEL E. LIEFELD  
WALTER F. JALINT  
JEFFREY T. WEINBERG

August 1, 1984

Peter Max Zimmerman, Esq.  
Deputy People's Counsel  
Room 223  
Court House  
Towson, Maryland 21204

Re: Petition for Special Hearing  
in the matter of Fairfax  
Savings Association, Inc.  
Case #84 354 SPH

Dear Mr. Zimmerman:

In accordance with your request, I am enclosing herewith a copy of the proposed plan for the 700 square feet for the optometrist office. You will note the area of darkened windows and also please note that frames will be on the wall only of 19 feet in the interior of the premises.

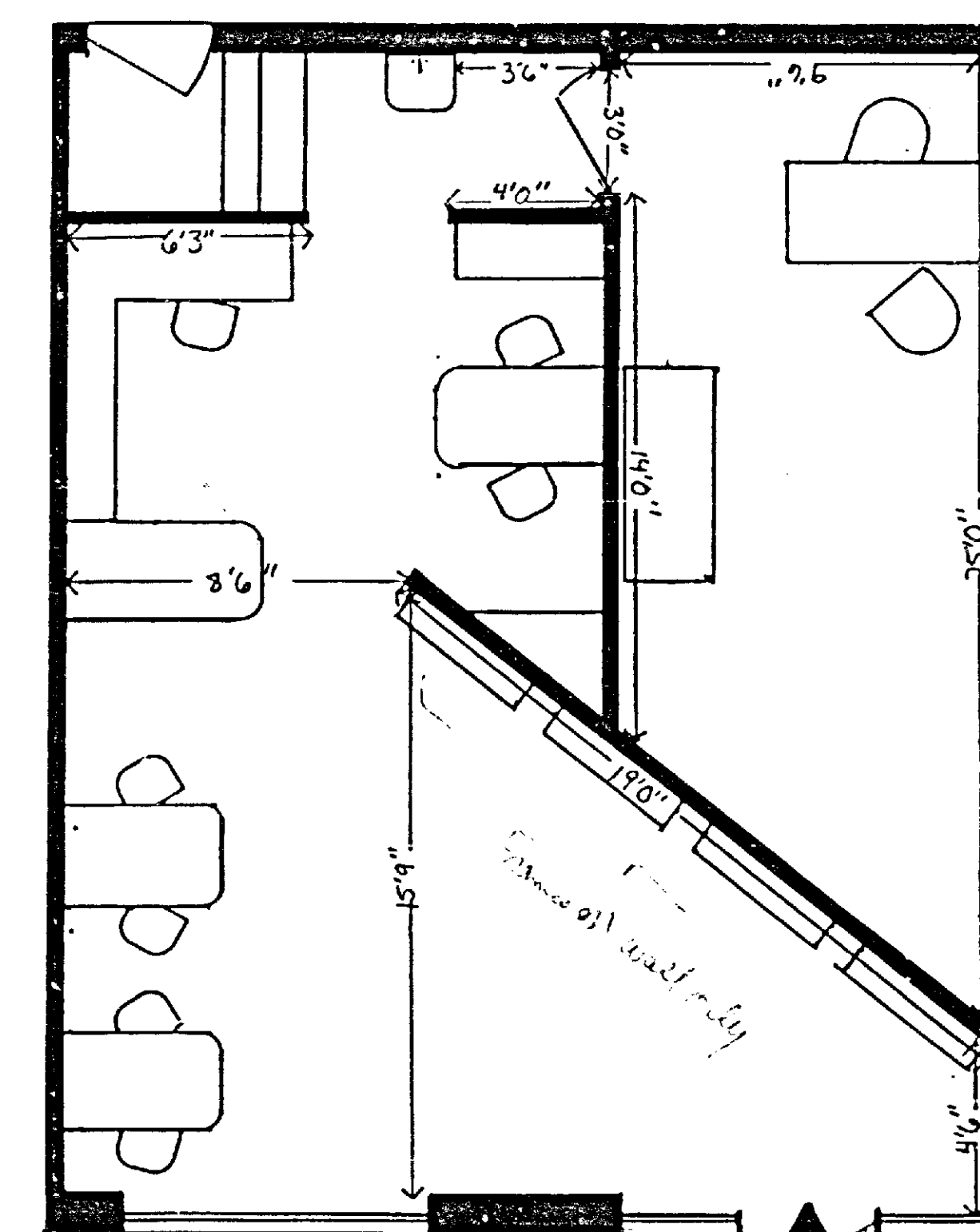
If you have any further questions pertaining to this matter, please feel free to contact me.

Very truly yours,

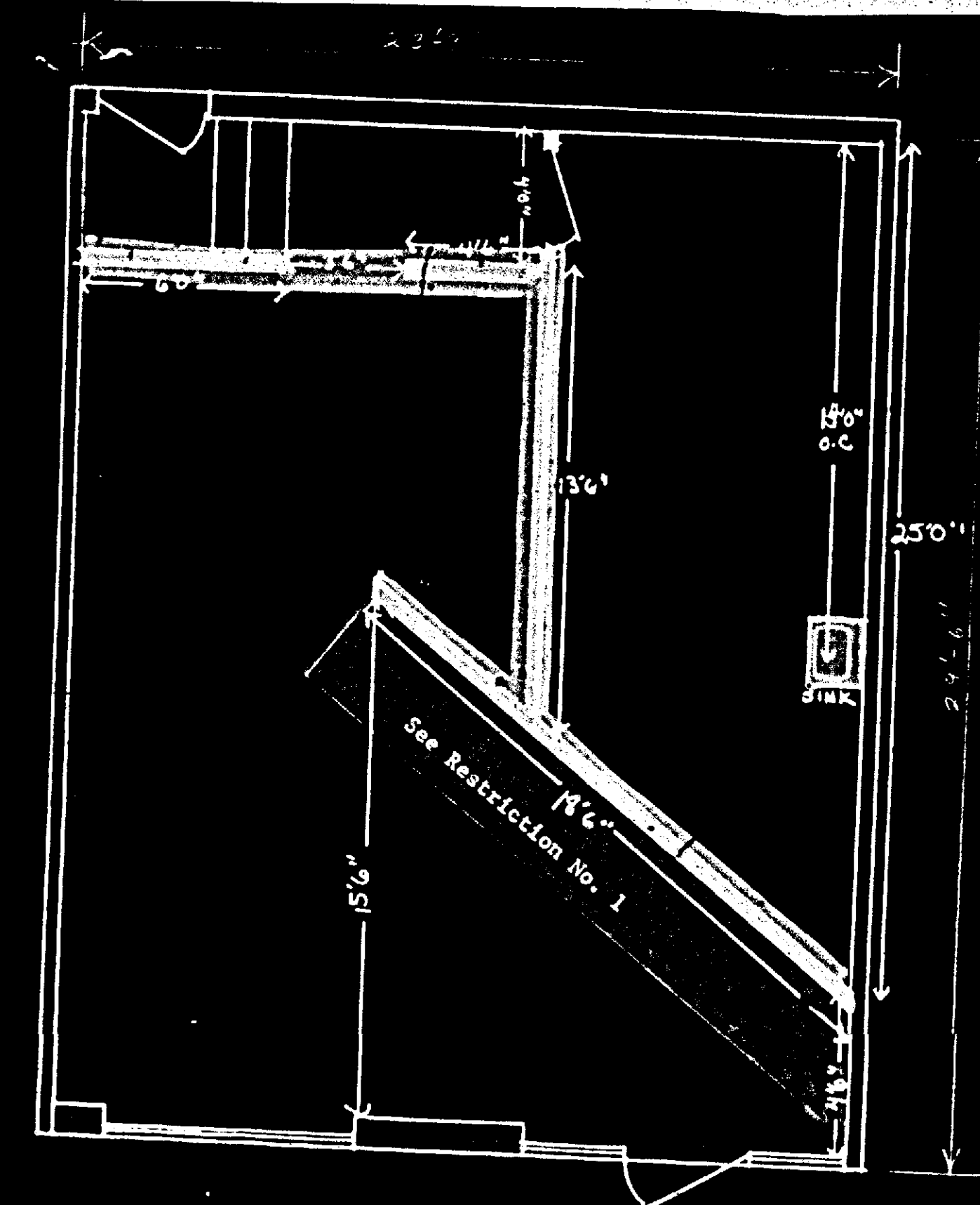
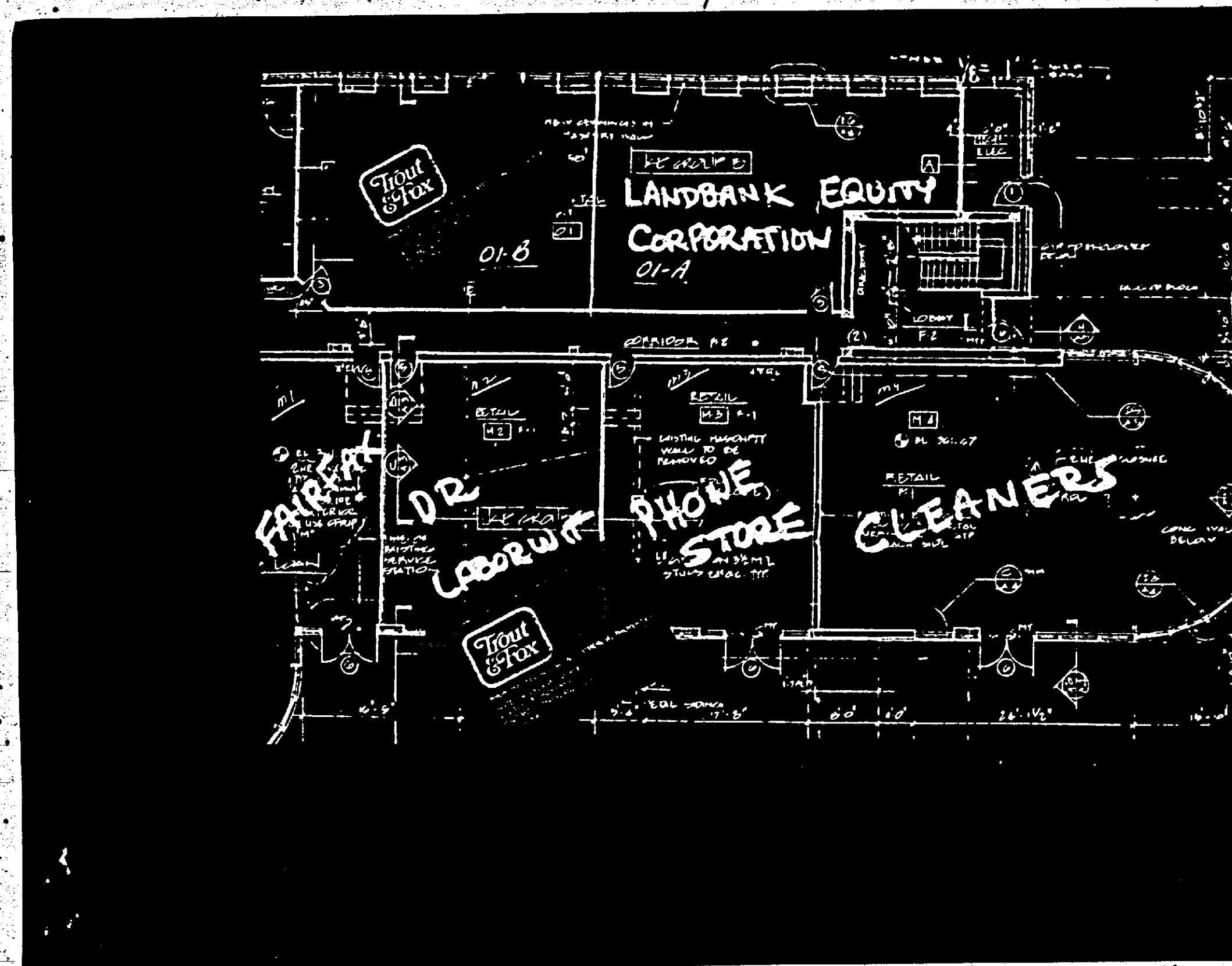
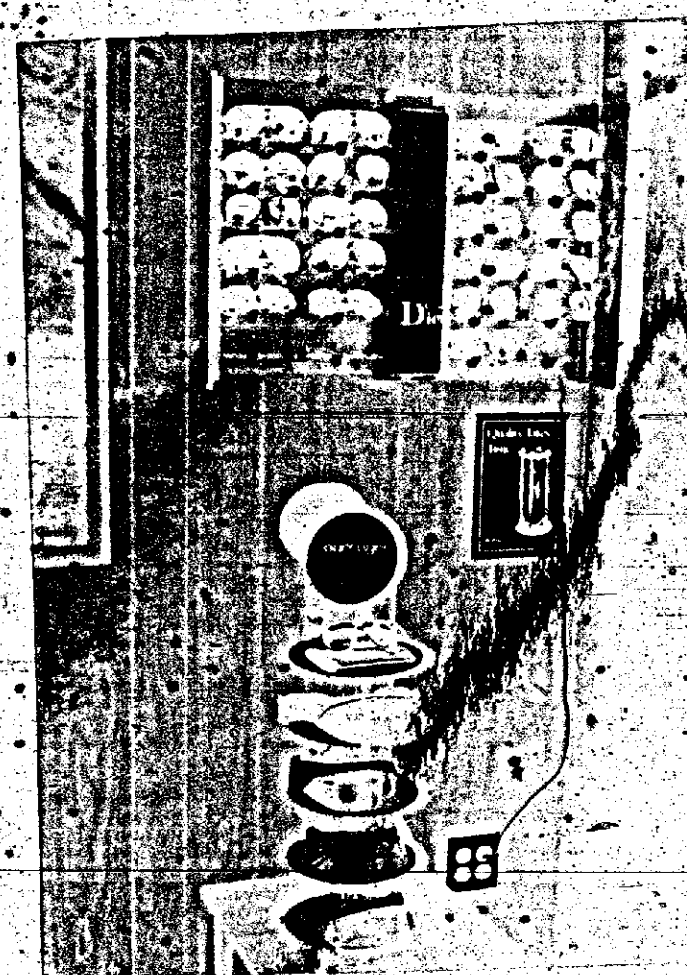
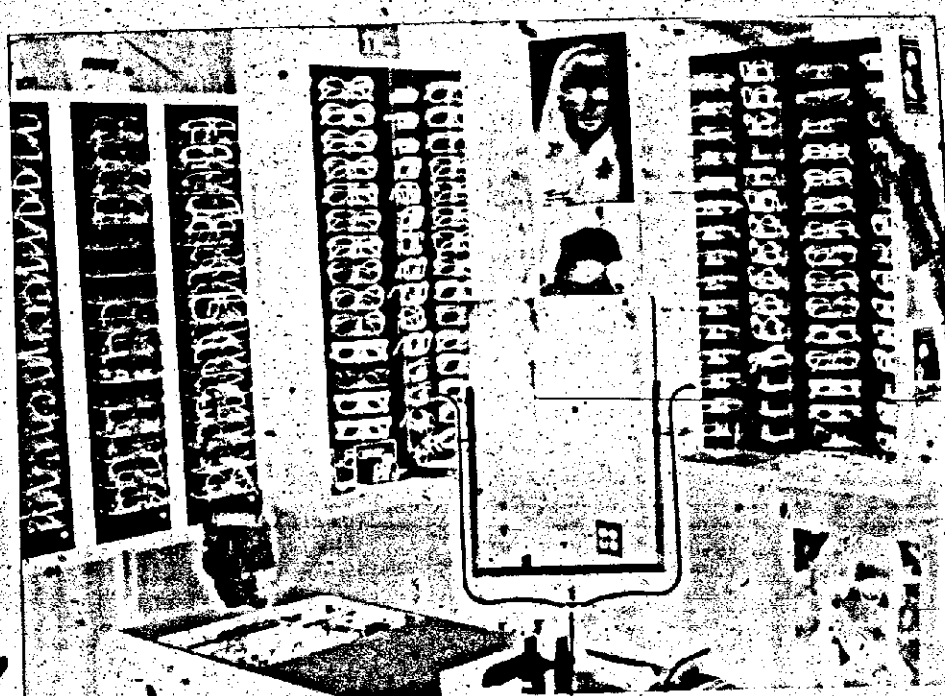
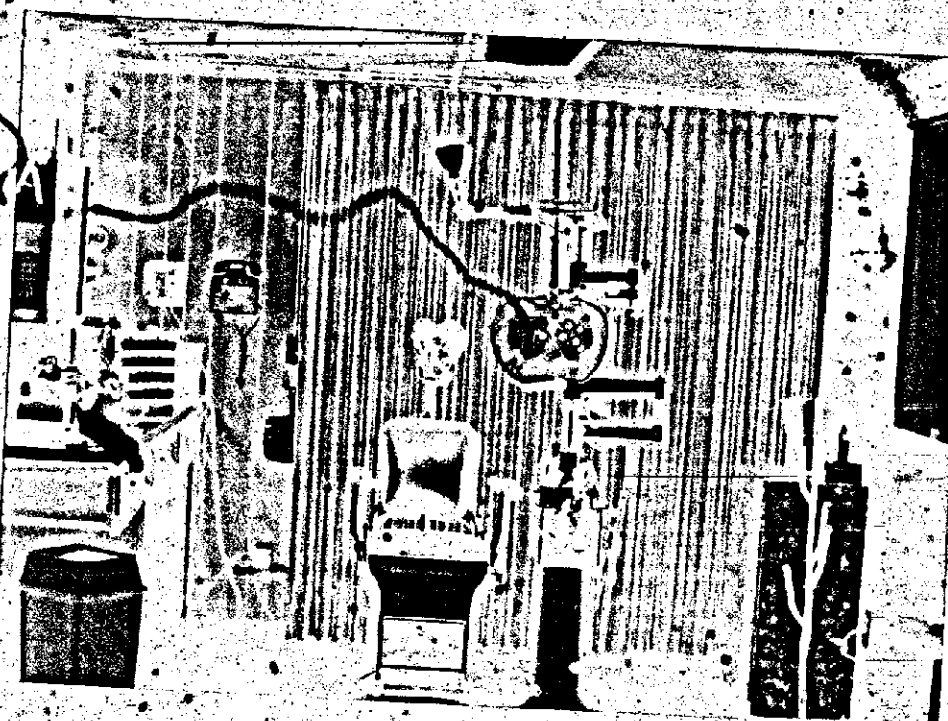
GOODMAN, MEAGHER & ENOCH

*Leonard J. Grossman*  
By: Leonard J. Grossman

LJG:jc  
Enclosure







1/4" = 1'-0"  
ALL MEASURES

The following restrictions will be incorporated as per zoning hearing No. 84-354-SPH (Item No. 303), dated July 11, 1984.

1. No more than 25% of the square footage of the office shall be devoted to the display, selection, and fitting of glasses. The square footage devoted to wall display shall be calculated by wall linear footage times three feet. (Display wall is: 18'6" x 3' = 55.5 square feet, display area which is less than 25% of total area of 700 square feet.)
2. The area required for the dispensing of and payment of glasses shall not be included in the 25% as long as the optometrist's fee charged includes the cost of examination and prescription.
3. The on-site optometrist shall perform the eye examination and lens prescriptions for all glasses sold on the site.

 - New

 - Existing